

CHAPTER NO. 234.

HOUSE BILL NO. 735

INTRODUCED BY STAIGMILLER, CONROY, LIEN,
C. SMITH, ELLERD

IN THE HOUSE

February 10, 1979	Introduced and referred to Committee on Agriculture, Livestock, and Irrigation.
February 17, 1979	Committee recommend bill do pass. Report adopted.
February 20, 1979	Second reading, do pass.
February 21, 1979	Considered correctly engrossed.
February 22, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 22, 1979	Introduced and referred to Committee on Agriculture, Livestock, and Irrigation.
March 6, 1979	Committee recommend bill be concurred in. Report adopted.
March 8, 1979	Second reading, concurred in.
March 12, 1979	Third reading, concurred in.

IN THE HOUSE

March 13, 1979	Returned from second house. Concurred in. Sent to enrolling.
	Reported correctly enrolled.

House BILL NO. 785

INTRODUCED BY *Staigmiller Conroy Liss*
O'Leary - Ellard

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE LAWS RELATING TO BUTCHERS AND MEAT PEDDLERS AND INSPECTION OF HIDES FROM SLAUGHTERED ANIMALS; AMENDING SECTIONS 81-9-101, 81-9-112, AND 81-9-113, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 81-9-101, MCA, is amended to read:

"81-9-101. Definitions. (1) A person, firm, corporation or association which slaughters neat cattle for the purpose of selling or distributing the meat or byproducts of the cattle in this state and which maintains slaughterhouses for this purpose and a person, firm, corporation or association which maintains a meat market or meat markets for the purpose of selling or distributing any of the meat or byproducts of the cattle in this state and which in either case complies with the rules of the department and the board of health and environmental sciences and with the city or town health ordinances where the business is operated or any other ordinance pertaining to meat dealers is for the purpose of this part designated a "butcher".

(2) A person, firm, corporation or association which

1 1 slaughters neat cattle or buys and sells any dress beef or
2 2 veal and which does not maintain a licensed slaughterhouse
3 3 or market is for the purpose of this part designated a
4 4 "meat peddler". As used in this part, the following
5 5 definitions apply:

6 6 (1) "Butcher" means a person, firm, corporation or
7 7 association that slaughters livestock for the purpose of
8 8 selling or distributing meat or byproducts of livestock and
9 9 maintains slaughterhouses for this purpose; a person who
10 10 maintains a meat market for the purpose of selling or
11 11 distributing meat or byproducts of livestock; or a person
12 12 who maintains a slaughterhouse, meat depot, or packing plant
13 13 for the purpose of engaging in custom slaughter of
14 14 livestock.

15 15 (2) "Custom slaughter" means the butchering for a
16 16 consideration of livestock owned by someone else on behalf
17 17 of the owner in which there has not been a sale of the meat.

18 18 (3) "Deputy state stock inspector" means a person
19 19 designated by the department as a deputy state stock
20 20 inspector and who does not receive salary or compensation
21 21 from the department.

22 22 (4) "Livestock" means cattle, horses, sheep, swine,
23 23 goats, mules, or asses.

24 24 (5) "Meat peddler" means a person, firm, corporation,
25 25 or association that slaughters livestock, buys and sells any

1 dressed livestock or engages in custom slaughter or packing
 2 but does not maintain a licensed slaughterhouse or meat
 3 markets.

4 161 "State stock inspector" means an employee of the
 5 department of livestock designated by the department as a
 6 state stock inspector."

7 Section 2. Section 81-9-112, MCA, is amended to read:

8 "81-9-112. Inspection and marking of hides and meat of
 9 slaughtered cattle -- records -- bill of sale -- when
 10 inspection not necessary. (1) All persons shall have the
 11 hides in its entirety with tail and ears attached of each
 12 beef or veal inspected by a sheriff or his deputy in the
 13 county where the animal was slaughtered. The sheriff or his
 14 deputy shall mark the hide in the manner which the
 15 department requires by rule. The sheriff shall make the
 16 inspection required by this section.

17 (2) Each of the four quarters presented shall be
 18 stamped with an ink stamp. The stamp shall be provided by
 19 the county and the form specified by the department.
 20 However, the stamp need not be affixed if the meat has been
 21 inspected and stamped by an inspector of the department.

22 (3) The sheriff or deputy shall keep a record and
 23 issue a certificate of inspection on a form provided by the
 24 county. The form shall be specified by the department
 25 giving the butcher's or peddler's or person's name, the place

1 of business, the serial number of the inspection of the
 2 hides, the brand on the hide, the date of inspection and the
 3 place where the inspection was made. The officer who makes
 4 the inspection shall forward a copy of the inspection
 5 certificates to the department and to the county clerk of
 6 the county in which the inspection was made on or before
 7 the first day of each month. The inspection certificates
 8 shall be placed on file in these offices.

9 (1) All butchers and meat peddlers shall maintain the hide
 10 of an animal in its entirety with tail and ears attached for
 11 each animal slaughtered until inspected by a state or deputy
 12 state stock inspector in the county where the animal was
 13 slaughtered. The inspector shall mark the hide in the manner
 14 prescribed by the department. This inspection may be waived
 15 for those animals inspected by a state or deputy state stock
 16 inspector on a preslaughter inspection.

17 (2) Each dressed carcass of such animal shall be
 18 stamped with an ink stamp in a manner specified by the
 19 department. The inspector shall keep a record and issue a
 20 certificate of inspection as specified by the department
 21 giving the butcher's or peddler's name, the place of
 22 business, the serial number of the inspection of the hide,
 23 the brand on the hide, the date of inspection, and the place
 24 where the inspection was made. The inspector shall forward
 25 a copy of the inspection certificate to the department and

1 issue one copy to the person requesting the inspection.

2 44131 When ownership of the carcass and hide
 3 presented is claimed on a bill of sale, the officer making
 4 the inspection shall demand and receive the original bill of
 5 sale, which shall be attached to the inspector's certificate
 6 sent to the county clerk and recorder. When the bills of
 7 sale cover cattle not included in the inspection, the
 8 inspector shall issue to the owner of the bill of sale a
 9 receipt for the bill of sale. The receipt shall describe
 10 the balance of the cattle covered by the original bill of
 11 sale.

12 451Instead--of--the--inspection--provided--for--above--the
 13 department--may--in--its--discretion--designate--a--person--to--make
 14 a--live--inspection--of--all--meat--cattle--at--any--licensed
 15 slaughterhouse--and--to--issue--a--certificate--of--inspection--The
 16 inspector--shall--inspect--and--mark--the--hide--and--identify--the
 17 meat--in--the--manner--which--the--department--prescribes--by--rule.
 18 The--marking--of--the--hide--is--sufficient--compliance--with
 19 81-9-111.

20 461In--case--of--an--emergency--or--custom--slaughter
 21 involving--not--more--than--two--cattle--a--licensed
 22 slaughterhouse--may--slaughter--without--a--live--inspection--if
 23 the--hide--from--the--cattle--is--held--separate--from--other--hides
 24 until--inspected--and--cleared--by--the--inspector--in--charge.

25 47141 Any person who kills beef or veal in good faith

1 for his own use shall not be required to have such meat
 2 inspected or stamped."

3 Section 3. Section 81-9-113, MCA, is amended to read:
 4 "81-9-113. Deputy----sheriffs-----appointment--as
 5 inspectors----fees Fees for inspection. 441In--to--cattlities
 6 where--there--is--no--sheriff--or--deputy--sheriff--and--where--there
 7 is--need--for--the--inspection--herein--required--a--deputy--sheriff
 8 shall--be--appointed--and--shall--be--authorized--by--the--board--of
 9 county--commissioners--of--the--county--to--make--such--inspections,
 10 and--he--shall--be--paid--from--the--appropriate--county--fund
 11 therefore--a--fee--of--not--to--exceed--25--cents--for--each--beef--hide
 12 inspected--and--a--fee--of--not--to--exceed--10--cents--for--each--veal
 13 hide--inspected--Such--deputy--sheriff--shall--have--the--same
 14 powers--and--authority--and--shall--perform--the--same--duties--as
 15 the--sheriff--Except--as--in--this--section--provided--no--fee
 16 shall--be--charged--or--paid--for--such--inspections--No--butcher,
 17 meat--peddler--or--employee--of--any--butcher--or--meat--peddler
 18 shall--be--appointed--such--deputy--sheriff.

19 471This--section--does--not--prevent--an--inspector
 20 appointed--by--the--department--from--making--an--inspection. The
 21 state--or--deputy--state--stock--inspector--making--the--inspection
 22 required--by--81-9-112--shall--collect--25--cents--a--head--plus--all
 23 necessary--expenses. State--stock--inspectors--shall--promptly
 24 remit--all--fees--and--expenses--collected--under--this--section--to
 25 the--department--for--deposit--in--the--earmarked--revenue--fund.

HB 735

1 Deputy state stock inspectors shall keep their fees and
2 expenses."

-End-

STATE OF MONTANA

FISCAL NOTE

Request No. 356-79

Form BD-15

In compliance with a written request received February 13, 1979, there is hereby submitted a Fiscal Note for House Bill 735 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 735 removes the hide inspection responsibility from the county sheriffs and gives it to the Department of Livestock.

ASSUMPTIONS:

1. Inspections now being performed by salaried inspectors will continue to be performed.
2. Inspections not now being performed by salaried inspectors will be performed by deputy state stock inspectors resulting in no additional cost or revenue to the Department of Livestock.

FISCAL IMPACT:

Minimal.

Ronald Z. Derry Jr.
BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 4/14/79

HOUSE BILL NO. 785

INTRODUCED BY St. Ignatius Conway Linn
O'Leary - Teller

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE LAWS RELATING TO BUTCHERS AND MEAT PEDDLERS AND INSPECTION OF HIDES FROM SLAUGHTERED ANIMALS; AMENDING SECTIONS 81-9-101, 81-9-112, AND 81-9-113, MCA."

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(2) A person, firm, corporation or association which

slaughters neat cattle or buys and sells any dress beef or veal and which does not maintain a licensed slaughterhouse or market is, for the purpose of this part, designated a "meat peddler". As used in this part, the following definitions apply:

(1) "Butcher" means a person, firm, corporation or association that slaughters livestock for the purpose of selling or distributing meat or byproducts of livestock and maintains slaughterhouses for this purpose, a person who maintains a meat market for the purpose of selling or distributing meat or byproducts of livestock, or a person who maintains a slaughterhouse, meat depots or packing plant for the purpose of engaging in custom slaughter of livestock.

(2) "Custom slaughter" means the butchering for a consideration of livestock owned by someone else on behalf of the owner in which there has not been a sale of the meat.

(3) "Deputy state stock inspector" means a person designated by the department as a deputy state stock inspector and who does not receive salary or compensation from the department.

(4) "Livestock" means cattle, horses, sheep, swine, goats, mules, or asses.

(5) "Meat peddler" means a person, firm, corporation, or association that slaughters livestock, buys and sells any

1 Issue one copy to the person requesting the inspection.

2 ~~44131~~ When ownership of the carcass and hide
 3 presented is claimed on a bill of sale, the officer making
 4 the inspection shall demand and receive the original bill of
 5 sale, which shall be attached to the inspector's certificate
 6 sent to the county clerk and recorder. When the bills of
 7 sale cover cattle not included in the inspection, the
 8 inspector shall issue to the owner of the bill of sale a
 9 receipt for the bill of sale. The receipt shall describe
 10 the balance of the cattle covered by the original bill of
 11 sale.

12 ~~55~~—Instead—of—the—inspection—provided—for—above—the
 13 department—may—in—its—discretion—designate—a—person—to—make
 14 a—live—inspection—of—all—meat—cattle—at—any—licensed
 15 slaughterhouse—and—to—issue—a—certificate—of—inspection.—The
 16 inspector—shall—inspect—and—mark—the—hide—and—identify—the
 17 meat—in—the—manner—which—the—department—prescribes—by—rule.
 18 The—marking—of—the—hide—is—sufficient—compliance—with
 19 81-9-112.

20 ~~66~~—In—case—of—an—emergency—or—custom—slaughter
 21 involving—not---more---than---two---cattle---a---licensed
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3 Section 3. Section 81-9-113, MCA, is amended to read:
 4 “81-9-113. Deputy---sheriffs---appointment---as
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1 Deputy state stock inspectors shall keep their fees and
2 expenses"

-End-

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INTRODUCED BY STAIGMILLER, CONROY, LIEN,
C. SMITH, ELLERO

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12 distributing meat or byproducts of livestock; or a person
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14 for the purpose of engaging in custom slaughter of
15 livestock.

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20 designated by the department as a deputy state stock
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25 151. "Meat peddler" means a person, firm, corporation,

1 or association that slaughters livestock buys and sells any
 2 dressed livestock or engages in custom slaughter or packing
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 4 markets.

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 16 department requires by rule. The sheriff shall make the
 17 inspection required by this section.

18 (2) Each of the four quarters presented shall be
 19 stamped with an ink stamp the stamp shall be provided by
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 21 However the stamp need not be affixed if the meat has been
 22 inspected and stamped by an inspector of the department.

23 (3) The sheriff or deputy shall keep a record and
 24 issue a certificate of inspection on a form provided by the
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1 a copy of the inspection certificate to the department and
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 8 sale cover cattle not included in the inspection, the
 9 inspector shall issue to the owner of the bill of sale a
 10 receipt for the bill of sale. The receipt shall describe
 11 the balance of the cattle covered by the original bill of
 12 sale.

13 {57}--Instead--of--the--inspection--provided--for--above--the
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 15 a--live--inspection--of--all--meat--cattle--at--any--licensed
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1 {77141} Any person who kills beef or veal in good faith
 2 for his own use shall not be required to have such meat
 3 inspected or stamped."

4 Section 3. Section 81-9-113, MCA, is amended to read:
 5 "81-9-113. Deputy---sheriff---appointment---as
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 8 is--need--for--the--inspection--herein--required--a--deputy--sheriff
 9 shall--be--appointed--and--shall--be--authorized--by--the--board--of
 10 county--commissioners--of--the--county--to--make--such--inspections--
 11 and--he--shall--be--paid--from--the--appropriate--county--fund
 12 therefore--a--fee--of--not--to--exceed--25--cents--for--each--beef--hide
 13 inspected--and--a--fee--of--not--to--exceed--10--cents--for--each--veal
 14 hide--inspected--Such--deputy--sheriff--shall--have--the--same
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 17 shall--be--charged--or--paid--for--such--inspection--No--butcher--
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 19 shall--be--appointed--such--deputy--sheriff--

20 {77}--This--section--does--not--prevent--an--inspector
 21 appointed--by--the--department--from--making--an--inspection--The
 22 state--or--deputy--state--stock--inspector--making--the--inspection
 23 required--by--81-9-112--shall--collect--25--cents--a--head--plus--all
 24 necessary--expenses--State--stock--inspectors--shall--promptly
 25 remit--all--fees--and--expenses--collected--under--this--section--to

- 1 the department for deposit in the earmarked revenue funds
- 2 Deputy state stock inspectors shall keep their fees and
- 3 expenses."

-End-